

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Michael Carley et al.
Appl. No. : Not Yet Assigned
Filing Date : Herewith (July 9, 2003)
Title : Closure Device and Methods for Making and Using Them
Group Art Unit : Not Yet Assigned
Examiner : Not Yet Assigned
Docket No. : 701879.4006

Commissioner for Patents
P.O. Box 1450
Washington, DC 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

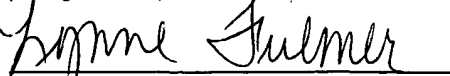
In accordance with 37 CFR §§ 1.97 and 1.98, the items identified in this Information Disclosure Statement ("IDS") are brought to the attention of the Office. The items are listed on the attached form PTO-1449, copies were cited in the previous application and are not enclosed.

The items identified in this IDS may or may not be "material" pursuant to 37 CFR § 1.56. The submission thereof by Applicant is not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR § 1.97(h)), or even qualifies as "prior art" under 35 USC § 102 with respect to this invention unless specifically designated by Applicant as such.

CERTIFICATE OF MAILING
37 CFR §1.10

Date: July 9, 2003
Express Mailing Label No.: EV 342472891 US

I hereby certify that on the dated listed above, this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service in accordance with 37 C.F.R. § 1.10 as "Express Mail Post Office to Addressee," with sufficient postage, envelope addressed to: COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450.


LYNNE FULMER
DOCSOC1:139718.1
701879-4006 J2G

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INFORMATION DISCLOSURE STATEMENT FILING PROVISION:

☒ This IDS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), that is (1) within three months of the filing date of the application, which is not a continued prosecution application filed under § 1.53(d); or (2) within three months of entry of the national stage as set forth in 37 CFR § 1.491; or (3) before the mailing of a first Office action on the merits; or (4) before the mailing of a first Office action after filing a request for continued examination under § 1.114. Thus, no fee is required.

☐ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and charge the fee due under 37 CFR § 1.17(p) to the deposit account referenced below.

☒ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and a statement under 37 CFR § 1.97(e) is included below, thus no fee is required.

☐ This IDS is being submitted under 37 CFR § 1.97(c), that is after mailing of a first Office action on the merits, but before a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311.

☐ The fee due under 37 CFR § 1.17(p) is submitted herewith.

☐ A statement under 37 CFR § 1.97(e) is included below, thus no fee is required. In the event that this IDS is not received before a Final Action or a Notice of Allowance, then Applicant respectfully requests that the Office consider the filing of these papers to be submitted under 37 CFR § 1.97(d) and charge the fee due under 37 CFR § 1.17(p) to the deposit account below.

☐ This IDS is being submitted under 37 CFR § 1.97(d), that is after a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311, but before payment of the issue fee. A statement under 37 CFR § 1.97(e) is included below. The fee due under 37 CFR § 1.17(p) is submitted herewith.

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STATEMENT UNDER 37 CFR § 1.97(e):

☐ Each item contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.

☐ No item contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this statement after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this IDS.

PAYMENT AND/OR AUTHORIZATION TO CHARGE FEES:

☐ A check in the amount of _____ is enclosed for the above fee(s).

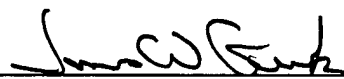
☐ Please charge _____ to Deposit Account No. **15-0665** for the above fee(s).

The Commissioner is authorized to charge any fees required by the filing of these papers, and to credit any overpayment to Orrick, Herrington & Sutcliffe's Deposit Account No. **15-0665**.

Respectfully submitted,

ORRICK, HERRINGTON & SUTCLIFFE LLP

Dated: July 9, 2003

By: 
James W. Geriak
Reg. No. 20,233

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| FORM PTO-1449 LIST OF PATENTS AND OTHER ITEMS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary) | ATTY. DOCKET NO. 701879.4006 | SERIAL NO. Not Yet Assigned |
| | APPLICANT: Michael Carley et al. | |
| | FILING DATE: Herewith (7/9/2003) | GROUP: Not Yet Assigned |

| U.S. PATENT DOCUMENTS | | | | | | | |
|-----------------------|--|-----------------|------------|-----------------|-------|--------------|----------------|
| EXAMINER INITIAL | | DOCUMENT NUMBER | DATE | NAME | CLASS | SUB CLASS | FILING DATE |
| | | 6,152,937 | Nov. 2000 | Peterson et al. | | | |
| | | 6,113,612 | Sept. 2000 | Swanson et al. | | | |
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| FOREIGN PATENT DOCUMENTS | | | | | | | |
|--------------------------|--|-----------------|-----------|---------|-------|--------------|-----------------------|
| EXAMINER INITIAL | | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUB CLASS | TRANSLATION YES NO |
| | | WO 00/56227 | 9/28/2000 | PCT | | | |
| | | WO 00/56223 | 9/28/2000 | PCT | | | |

| OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.) | | |
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|---|------------------|-------------------------|
| DOCSOC1:139716.1 701879-4006 J2G | EXAMINER: | DATE CONSIDERED: |
| EXAMINER: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include a copy of this form with next communication to applicant | | |